REMARKS/ARGUMENTS

Status of Claims

Claims 1-3 and 5-27 are pending in the application.

Claims 1-3 and 5-27 stand rejected.

Claims 1, 12, and 17 are hereby amended.

Claim 27 is hereby canceled.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Response to Advisory Action

In view of the Examiner's objection in the Advisory Action dated April 19, 2006 to the use of the word "essentially" in the proposed added limitation in the Response to the Final Office Action filed April 6, 2006, Applicant has deleted the word "essentially" in claims 1, 12, and 17 to remove this objection. Applicant respectfully submits that this application in its present form is in condition for allowance for the following reasons, which were previously submitted in the non-entered response filed on April 6, 2006.

Telephone Interview

The Applicant thanks the Examiner and the Supervisory Examiner for participating in the telephone interviews on March 21, 2006 and March 23, 2006 and for preparing the interview summaries mailed March 27, 2006 and March 29, 2006.

Claim Rejections – 35 USC § 112

Claim 12 stands rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter that the Applicant regards as the invention. More specifically, the Examiner stated that claim 12 was indefinite because the limitation "a plurality of queues, each one of the queues having an input coupled in parallel with a corresponding one of the plurality of outputs of the non-recirculating Batcher-sorter trap stage" contradicts Figure 3B. Similar limitations are present in claims 1 and 17. The Applicant has amended claims 1, 12, and 17 to overcome the rejection.

Claims Rejections – 35 USC § 103

Claims 1-3 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang I* (U.S. 4,516,238) in view of *Yang* (U.S. 5,856,977). Claims 5-9, 22, 23, 26, and 27 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang I* in view of *Yang* and *Cooperman* (U.S. 5,862,128). Claims 10-11 and 24-25 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang I* in view of *Yang*, *Cooperman*, and *Widjaja* (U.S. 5,440,553). Claims 12-16 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang I* in view of *Yang* and *Widjaja*. Claims 17-18 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang II* (U.S. 4,542,497) in view of *Yang*. Claims 19-21 stand rejected under 35 USC § 103(a) as being unpatentable over *Huang II* in view of *Yang* and *Cooperman*. Claim 27 has been canceled, thus claims 1-3 and 5-26 stand or fall on the application of *Huang I* and *Yang* to independent claim 1, *Huang I*, *Yang*, and *Widjaja* to independent claim 12, and *Huang II* and *Yang* to independent claim 17.

The requirements for establishing a *prima facie* case of obviousness are well established:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. MPEP § 2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Similarly, the fact that the Examiner has the burden of proof with respect to the elements of the *prima facie* case of obviousness is also well defined:

> The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP § 2142 quoting *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Claim 27 has been incorporated into amended claim 1, which reads:

1. A switching system for a telecommunications network, comprising:
a) a first stage having input and output sides, said output side concentrated relative to said input side; and
b) a second stage having input and output sides, said input side of said second stage coupled to said output side of said first stage and said output side of said second stage being comprised of a plurality of outputs, wherein said second stage is a non-recirculating sort and trap stage;
c) for a plurality of cells arriving, at said second stage, in a first time slot, said second stage placing each cell having a unique destination address on a selected one of said plurality of outputs and aging each cell having a non-unique destination address in a buffer connected in parallel with the outputs;
d) **wherein the cells in the buffer consist of cells with a non-unique destination address.**

Claims 12 and 17 have been amended to include similar limitations.

The Examiner has not met his burden of presenting the *prima facie* case of obviousness with regards to claims 1, 12, and 17 because the cited prior art fails to teach or suggest that the buffer consists of cells with non-unique destination addresses. In rejecting claim 27 in the previous office action, the Examiner acknowledged that *Huang I* fails to teach or suggest that the buffer consists of cells with non-unique destination addresses. See February 7, 2006 Office Action, paragraph 13. The Examiner did not rely of *Cooperman*, *Widjaja*, or *Huang II* to teach this limitation, and rightfully so because they do not teach that the buffer consists of cells with non-unique destination addresses. Instead, the Examiner asserts that *Yang*, column 4, lines 51-54 and column 7, lines 20-22 teaches that the cells in the trap buffer consist of cells with a non-unique destination address. The cited portion of *Yang* reads:

> To prevent cell contention, all of the contentious cells (cells destined for the same output during the same cycle) are stored in the same shared buffer.
> Accordingly, the routing algorithm will allocate all of the conflicting cells destined for output 6(Ω) to the same corresponding buffer, i.e. shared buffer 1.

Based on the above passages, contentious cells traveling through *Yang's* switch are indeed routed to the same buffer, specifically buffer 1 in *Yang's* FIG. 11. However, in *Yang's* invention, non-contentious cells are also routed through the buffer as well. More specifically, when non-contentious cells are routed through *Yang's* invention, they must pass through one of *Yang's* four buffers 120 shown in FIG. 11. *Yang* does not teach or suggest any method for the non-contentious cells to bypass the buffers. Thus, ***Yang's* buffers contain both types of cells, i.e. contentious cells that have non-unique destination addresses and non-contentious cells that have unique destination addresses**. In sharp contrast, the Applicant teaches that the buffer is configured such that it only contains contentious cells. This configuration is shown in the Applicant's FIG. 3B:

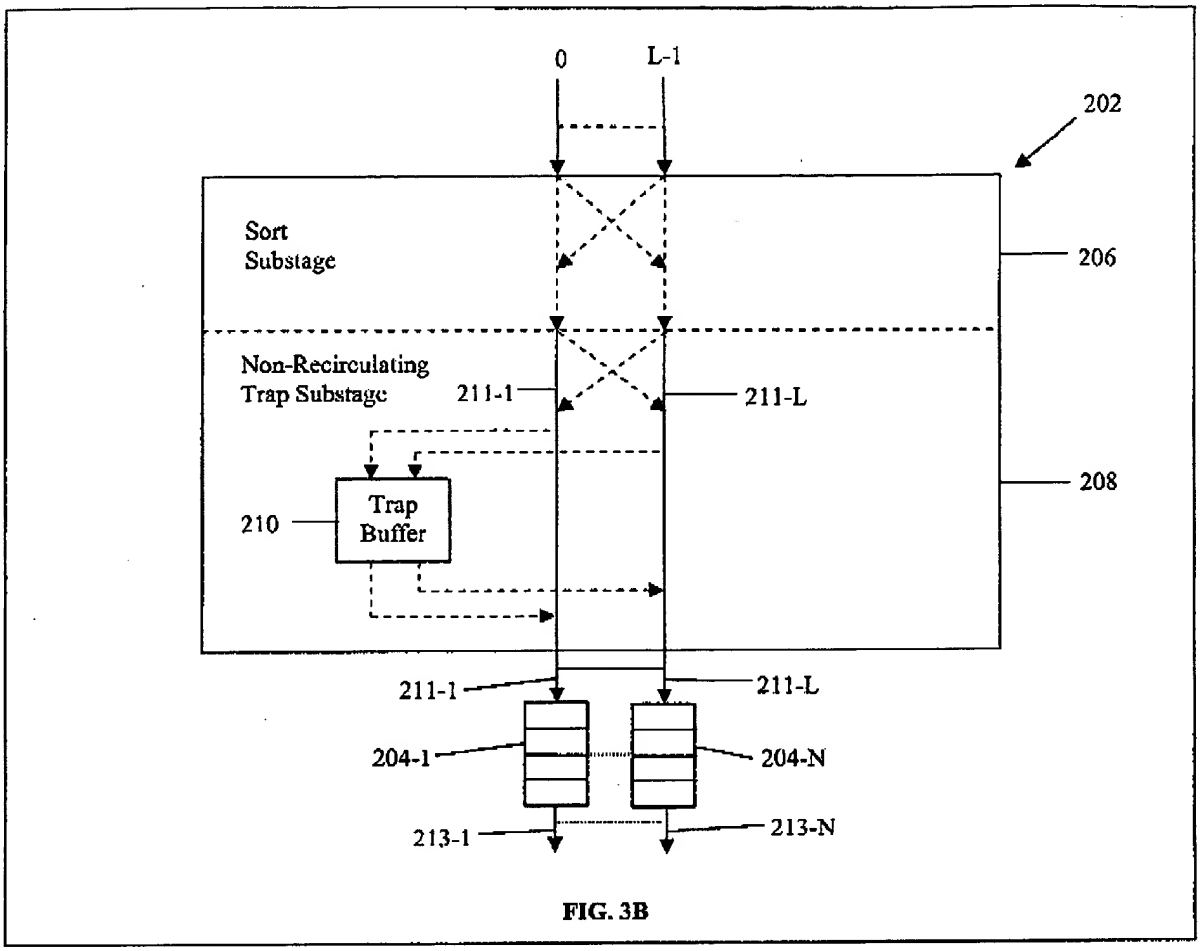

FIG. 3B

As shown in FIG. 3B, the Applicant's invention is configured such that non-contentious cells bypass the trap buffer 210. Thus, only the contentious cells enter the trap buffer 210 shown above. This distinction is captured in the limitation "wherein the cells in the buffer consist of cells with a non-unique destination address," which is not taught or suggest by *Yang*. Because the cited prior art fails to teach or suggest that the cells in the buffer consist of cells with non-unique destination addresses, the cited prior art does not teach or suggest all of the claimed limitations and the Examiner has failed to meet his burden of presenting a *prima facie* case of obviousness with respect to claims 1, 12, and 17.

For the reasons described above, independent claims 1, 12, and 17 are allowable over the cited prior art. Claims 2-3, 5-11, 13-16, and 18-26 are allowable because they depend on allowable claims 1, 12, and 17. Thus, all of the claims are allowable over the cited prior art.

Amendments Are Not New Matter

Applicants respectfully direct the Examiner's attention to the fact that the amendments to the claims, specifically claim 1, incorporate the subject matter of dependent claim 27, which was dependent upon claim 1. Thus, the amendments to the claims do not include any new matter and may properly be entered after the final office action.

CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections is respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated February 7, 2006 and the Advisory Action dated April 19, 2006, has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account No. 21-0765, Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

Date: 4-26-06

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